

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

JEWELLED CROSS CO.,

Plaintiff,

V.

BUY-RITE DESIGNS, INC., et al.,

Defendants.

Civil Action No. 08-1821 (FLW)

**ORDER and JUDGMENT
AS TO DEFENDANT
BUY-RITE DESIGNS, INC.**

THIS MATTER having been opened by Jeffrey A. Cohen, Esq., counsel for Plaintiff Jeweled Cross Co. (“Plaintiff”), on a motion for default judgment as to defendant Buy-Rite Designs, Inc. (“Defendant”); it appearing that Defendant has not opposed the motion; it appearing that in light of Defendant’s failure respond and its pattern of nonfeasance, the Honorable Tonianne J. Bongiovanni, U.S.M.J., entered an Order to Show Cause requiring Defendant to appear before her on November 5, 2009; it appearing that Defendant failed to appear on that date; it further appearing that on September 9, 2009, the Magistrate Judge recommended to this Court that default judgment should be entered against Defendant; it appearing that the Magistrate Judge reasoned that (1) Defendant failed to raise any defenses to the claim of copyright infringement asserted by Plaintiff; (2) Plaintiff has been prejudiced by Defendant’s failure to participate in the litigation; and (3) Defendant is responsible for the current state of this litigation - i.e., significantly delaying the litigation process, see Doug Brady, Inc. v. N.J. Bldg. Laborers Statewide Funds, 250 F.R.D. 171, 177 (D.N.J. 2008); it further appearing that the Magistrate Judge recommended that Defendant should be liable to Plaintiff in the amount of \$900,000.00, plus attorneys’ fees and costs, for Defendant’s

acts of copyright infringement; it appearing that the Magistrate Judge's Report and Recommendation dated September 9, 2009, was sent via regular mail to Defendant's address indicated on the docket; the mail was subsequently returned; it appearing that this Court instructed the Clerk of the Court to re-send the Report and Recommendation via certified mail on December 22, 2009, and the mail was again returned; it appearing that Defendant has failed to update the Court with its proper address pursuant to L. Civ. R. 10.1 and failed to object to the Report and Recommendation; it appearing that the Court having reviewed the Magistrate Judge's Report and Recommendation, for the reasons stated herein and for good cause shown,

IT IS on this 12th day of January, 2010,

ORDERED that the Report and Recommendation of Magistrate Judge Bongiovanni is hereby adopted; it is further

ORDERED that Plaintiff's request for \$900,000.00 in damages plus reasonable attorneys' fees and costs will be granted as to Defendant Buy-Rite Designs, Inc.

/s/ Freda L. Wolfson
The Honorable Freda L. Wolfson,
United States District Judge